

ASSEMBLY BILL

No. 474

Introduced by Assembly Member Salinas

February 14, 2003

An act to amend Section 60201 of the Government Code, relating to districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 474, as introduced, Salinas. Districts: record retention.

Existing law provides that the legislative body of a district may authorize the destruction or disposition of any record, paper, or document that is more than 2 years old and was prepared or received in any manner other than pursuant to state statute, and that these items need not be copied or reproduced prior to this destruction or disposition.

Existing law also requires the Secretary of State to establish the Local Government Records Program to be administered by the State Archives to establish guidelines for local government records retention, as specified.

This bill would authorize the legislative body of a district to destroy or dispose of any record, as defined, by either (1) authorizing the destruction or disposition of any category of records if it adopts a resolution finding that destruction or disposition of this category of records will not adversely affect any interest of the district or of the public and the district maintains a list of the categories of records destroyed or disposed of, or (2) adopts a record retention schedule that complies with guidelines provided by the Secretary of State, that classifies all of the district's records by category, and that establishes a standard protocol for destruction or disposition of records.

This bill also would provide that, notwithstanding any other provision of law, a district is not authorized to destroy or dispose of specified records, including, among others, records that relates to formation of the district, a district ordinance, and minutes of a meeting of the legislative body of the district.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60201 of the Government Code is
2 amended to read:

3 60201. ~~The legislative body of a district may authorize the~~
4 ~~destruction or disposition of any record, paper, or document which~~
5 ~~is more than two years old and which was prepared or received in~~
6 ~~any manner other than pursuant to state statute. Such records,~~
7 ~~papers, or documents need not be photographed, reproduced, or~~
8 ~~microfilmed prior to destruction and no copy thereof need be~~
9 ~~retained.~~ (a) *For purposes of this section, “record” means any*
10 *record consisting of a “writing,” as defined by subdivision (f) of*
11 *Section 6252.*

12 (b) *The legislative body of a district may destroy or dispose of*
13 *any record through either of the following procedures:*

14 (1) *The legislative body may authorize the destruction or*
15 *disposition of any category of records if it does both of the*
16 *following:*

17 (A) *Adopts a resolution finding that destruction or disposition*
18 *of this category of records will not adversely affect any interest of*
19 *the district or of the public.*

20 (B) *Maintains a list of the records destroyed or disposed of, by*
21 *category, and describes each category in a way that reasonably*
22 *identifies the information contained in the records in that category.*

23 (2) *The legislative body may, by resolution, adopt and comply*
24 *with a record retention schedule that complies with guidelines*
25 *provided by the Secretary of State pursuant to Section 12236, that*
26 *classifies all of the district’s records by category, and that*
27 *establishes a standard protocol for destruction or disposition of*
28 *records.*

1 (c) A district is not required to photograph, reproduce,
2 microfilm, or make a copy of any record that is destroyed or
3 disposed of pursuant to this section.

4 (d) Notwithstanding any other provision of this section or other
5 provision of law, a district may not destroy or dispose of any record
6 that is any of the following:

7 (1) Relates to formation of the district.

8 (2) An ordinance adopted by the district.

9 (3) Minutes of any meeting of the legislative body of the district.

10 (4) Relates to any pending claim or litigation.

11 (5) Is the subject of any request pursuant to the California
12 Public Records Act (Chapter 3.5 (commencing with Section 6250)
13 of Division 7 of Title 1).

14 (6) Relates to any pending construction that the district has not
15 accepted or as to which a stop notice claim legally may be
16 presented.

17 (7) Relates to any debt of the district.

18 (8) Relates to the title to real property in which the district has
19 an interest, or to liens thereon.

20 (9) Relates to any nondischarged contract to which the district
21 is a party.

22 (10) Has not fulfilled the administrative, fiscal, or legal
23 purpose for which it was created or received.

